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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/560,614

03/28/2007

Junichi Nakaho

740165-414

6966

25570

7590

10/09/2008

ROBERTS MLOTKOWSKI SAFRAN & COLE, P.C.

Intellectual Property Department

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EXAMINER

THOMAS, BRANDI N

ART UNIT

PAPER NUMBER

2873

NOTIFICATION DATE

DELIVERY MODE

10/09/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/560,614	Applicant(s) NAKAHO ET AL.	
	Examiner BRANDI N. THOMAS	Art Unit 2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 March 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/28/07;11/14/07/3/13/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. Acknowledgement is made of receipt of Information Disclosure Statement(s) (PTO-1449) filed 3/28/07, 11/14/07, and 3/13/08. An initialed copy is attached to this Office Action.

Drawings

3. Figures 2 and 3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 1-5 and 7-11 rejected under 35 U.S.C. 102(b) as being anticipated by Varaprassad et al. (5668663).

Regarding claims 1 and 7, Varaprassad et al. discloses, in figure 3B, an electrochromic mirror (1), comprising: a transparent substrate (2) wherein an electrochromic film (7) which is reduction- colored is formed on the back thereof (col. 13, lines 11-17 and figure 3B), and an electrically conductive light reflecting film (4 and 8) (col. 16, lines 40-42) which is permeable to hydrogen atoms and has electrical conductivity is formed on the electrochromic film (7) (col. 16, lines 40-42), a substrate (3) which has an electrically conductive part having electrical conductivity on at least one side (col. 13, lines 52-54), and is provided in a vicinity of the transparent substrate (2) in a state where the electrically conductive part faces the electrically conductive light reflecting film (4 and 8) (col. 13, lines 59-60), and an electrolysis solution (6) which contains at least a hydrogen ion and a material oxidizable with a neutral molecule or an anion (col. 11, lines 17-34), and is sealed between the electrically conductive light reflecting film (4 and 8) of the transparent substrate (2) and the electrically conductive part of the substrate (3) (col. 15, lines 66-67 and col. 16, lines 1-5).

Regarding claims 2 and 8, Varaprassad et al. discloses, in figure 3B, an electrochromic mirror (1), wherein the electrically conductive part of the substrate (3) is an electrode film having electrical conductivity and formed on the substrate (3) (col. 13, lines 7-9).

Regarding claims 3 and 9, Varaprassad et al. discloses, in figure 3B, an electrochromic mirror (1), wherein a material for the electrochromic film (7) of the transparent substrate (2) contains at least one of tungsten trioxide and molybdenum trioxide (col. 8, lines 5-17).

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Regarding claims 4 and 10, Varaprasad et al. discloses, in figure 3B, an electrochromic mirror (1), wherein a material for the electrically conductive light reflecting film (4 and 8) of the transparent substrate (2) is selected from a metal belonging to the platinum group, and an alloy of silver and a metal belonging to the platinum group (col. 14, lines 28-33).

Regarding claims 5 and 11, Varaprasad et al. discloses, in figure 3B, an electrochromic mirror (1), wherein a material for the electrically conductive light reflecting film (4 and 8) of the transparent substrate (2) is rhodium (col. 8, lines 14-17).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6 and 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Varaprasad et al. (5668663) as applied to claim 1 above, and further in view of Beall et al. (4416517).

Regarding claims 6 and 12, Varaprasad et al. discloses, in figure 3B, an electrochromic mirror (1) but does not specifically disclose wherein the electrolysis solution is a gel containing a polymer or an inorganic substance that does not react with the electrolysis solution. Beall et al. discloses wherein the electrolysis solution is a gel containing a polymer or an inorganic substance that does not react with the electrolysis solution (col. 6, lines 58-66). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to combine the device of Varaprasad et al. with the electrolysis solution of Beall et al. for the purpose of being used as a binder (col. 6, lines 58-66).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANDI N. THOMAS whose telephone number is (571)272-2341. The examiner can normally be reached on Monday - Thursday from 6-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached on 571-272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brandi N Thomas/
Examiner
Art Unit 2873

BNT
September 26, 2008

/Ricky L. Mack/
Supervisory Patent Examiner, Art Unit 2873